

RECEIVED BY MAIL
FEB 25 2022

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James Paul Aery

Plaintiff(s),

(Enter the full name(s) of ALL plaintiff(s)
and prisoner number(s) in this action.)

vs.

Case No. 22-cv-491 (PJS/TNL)
(To be assigned by Clerk of District Court)

Kyle Nohre
(Individual & Official Capacity)

Beltrami County

DEMAND FOR JURY TRIAL

YES ☒ NO ☐

Defendant(s).

(Enter the full name(s) of ALL defendants in
this action. Please attach additional sheets
if necessary).

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS UNDER
42 U.S.C. § 1983

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved

SCANNED
FEB 25 2022
U.S. DISTRICT COURT MPLS

in this action or otherwise relating to your imprisonment in the last three years?

☒ Yes

☐ No

B. If you answer to (a) is "yes", describe each lawsuit in the space below.

1. Parties to the previous lawsuit:

Plaintiffs: James Paul Aery

Defendants: Kyle Nohre T
Beltrami County

2. Court (If federal court, name the district. If state court, name the state and county.):

District of MN

3. Case Number:

0:20-cv-01958-PJS-LIB

4. Name of judge assigned to the case:

Patrick J. Shiltz

5. Cause of action (Cite the statute under which you filed and write a brief statement of the case):

42 USC Section 1983

Assault by Deputy Sheriff

6. Disposition or final determination of the case (for example, dismissed or appealed).

Appealed

7. Approximate date of filing the lawsuit:

September 14, 2020

8. Approximate date of disposition or final determination of the lawsuit:

January 2022

Attach a copy of the disposition or final determination of the lawsuit if it was filed in a court other than the U.S. District Court for the District of Minnesota.

If there was more than one lawsuit, describe the additional lawsuits on a separate sheet of paper answering the same questions in the same order as above in Question 1(b). Label this information as Question 1(b).

Check here if additional sheets of paper are attached. ☐

II. PRESENT PLACE OF CONFINEMENT

A. Is there a prisoner grievance procedure in the institution?

☒ Yes

☐ No

B. Did you present the facts relating to your complaint in the prisoner grievance procedure?

☐ Yes

☒ No

C. If you answered "yes" to question II.B.:

1. What steps did you take:

N/A

2. What was the result?

Attach a copy of the decision or disposition received from the prisoner grievance procedure.

D. If you answered "no" to question II.B., explain why you did not present the facts relating to your complaint in a prisoner grievance procedure.

Action related to event before/during arrest.

III. PARTIES

List your name, prisoner number, address and telephone number. Do the same for any additional plaintiffs. Attach an additional sheet of paper, if necessary.

A. Name of Plaintiff:

James Paul Aery

Prisoner Number

5294

Address

626 Minnesota Ave NW
Bemidji, MN 56601

Additional Plaintiffs:

Provide each defendant's full name, official position, and place of employment. Attach additional sheets of paper, if necessary.

B. Name: Kyle Nohre
Official Position: Beltrami County Deputy Sheriff
Employer's Address: 613 Minnesota Ave NW
Bemidji, MN 56601
Additional Defendants: Beltrami County

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper as II.A. for Plaintiffs and II.B. for Defendants.

IV. STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. Describe how each individual defendant is personally involved, including dates, places and specific wrongful acts or omissions by each defendant. Each factual allegation should be provided in separately lettered paragraphs, beginning with letter A. Do not make any legal arguments or cite any cases or statutes.

A. Spring of 2019 Deputy Nohre was malicious and negligent when he allowed his K9 to inflict demonstrable harm to me without notice when searching for fleeing subject while stating

that he had seen light-colored cloth in brush yet not announcing he had a dangerous animal or attempting to restrain the animal even though the animal is considered

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: ☒

Please label the attached sheets of paper to as Additional Facts and continue to letter the paragraphs consecutively.

V. REQUEST FOR RELIEF


State briefly exactly what you want the Court to do for you. Do not make any legal arguments or cite any cases or statutes.

A statement rights were violated, compensatory, punitive and exemplary damages in the amount of \$1,500,000 and all fees and costs the court deems just, proper, and equitable.

I (We) hereby certify under penalty of perjury that the above complaint is true to the best of my (our) information, knowledge, and belief.

Signed this 22 day of February, 2022

Signature(s) of Plaintiff(s)


 626 Minnesota Ave NW
 Bemidji, MN 56601

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide his/her mailing address and telephone number. Attach additional sheets of paper as necessary.

Additional Facts

a deadly weapon. This unprovoked attack has caused severe distress around officers and in general distrust in the system due to the attorney representing me and judge involved not considering my harm. I have psychological harm from this as well.

B. Beltrami County did not adequately train and/or supervise its deputies; in Spring of 2019, regarding reasonable seizures through a custom and/or policy reflecting disregard and/or concern for decency to arrestees or general public which caused me physical, mental, emotional and psychological damage by allowing Deputy Nohre to attack me unprovoked with deliberate indifference; thereby permitting and/or encouraging its officers to engage in such conduct without review and/or discipline

Additional facts

for violating citizens rights.

C. An unknown officer who was also present accepted this behavior of Deputy Nohre as being reasonable which adds to the culpability of the County in regards to policy and/or custom of tolerating abuse.